



STATEMENT FROM THE ROYAL GOVERNMENT OF CAMBODIA TASK FORCE ON THE KHMER ROUGE TRIAL

The statement on the Khmer Rouge trials by the Secretary-General of the United Nations on Wednesday 13 March 2002 reflects certain misunderstandings of the Cambodian government position, which we would like to clarify in the belief that there is every basis for the negotiations to resume.

The Secretary-General is quoted as saying that Cambodia must show that it desires credible war crimes trials and that Cambodia was obstructing efforts to create a framework that would guarantee a fair trial that meets international standards.

But it was precisely in order to assure a credible trial on the basis of internationally accepted standards that Cambodia in 1997 sought UN assistance and participation in the trial, and this continues to form the basis of Cambodia's negotiations in good faith.

The Khmer Rouge Law, which was itself the product of those negotiations, provides checks and balances between the numbers and decision-making powers of the Cambodian and foreign judges, investigating judges and prosecutors; and provides specific guarantees of the legal rights for defendants. Cambodia has expressed its willingness to spell out these rights in even more detail in the Articles of Cooperation. The UN has not identified any violations of internationally accepted standards in the Cambodian Khmer Rouge Law, and has not responded to the letter from the Royal Government of Cambodia dated 22 January 2002 in which a detailed response was given to the 11 points raised by His Excellency Hans Corell.

The Secretary-General is also quoted as saying that Cambodia made clear that its law setting up the tribunal would take precedence over any agreement with the United Nations on the conduct of the trials. In fact, Cambodia has never made any such statement. The Royal Government of Cambodia has always recognised its international obligations, and the supremacy of one document over another is not a matter of issue here.

Cambodia sees a clear distinction between the nature and purpose of the Khmer Rouge Law and the Articles of Cooperation, with no hierarchical subordination of one to the other. There should be no contradiction between the two documents. They should be parallel and complementary to each other, with the Law determining the jurisdiction and competence of the Extraordinary Chambers as well as their composition, organizational structure and decision-making procedures; while the Articles of Cooperation, which will pass through the normal procedures of ratification by the National Assembly, will determine how the Royal Government of Cambodia and the United Nations will cooperate to implement those provisions of the Law concerning international participation in the trials.

On 15 February 2002 the Chairman of the Task Force wrote to His Excellency Hans Corell expressing dismay with the announcement of UN withdrawal from the negotiations, and expressing the earnest hope that the UN will return to tasks of finalising the Articles of Cooperation and establishing the Extraordinary Chambers.

The Chairman of the Task Force states that the Royal Government of Cambodia is determined to find a way out of the present impasse, and hopes that this statement will clarify the reality of Cambodia's position.

Phnom Penh
15 March 2002